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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,112	01/18/2002	Kiyoo Morita	Q66502	6565

7590

11/07/2002

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,112

Applicant(s)

MORITA ET AL.

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 3654

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the screw hole recited in claim 9, line 3 and claim 12, line 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "said rotation shaft" on line 12. There is insufficient antecedent basis for this limitation in the claim. Claim 6 recites the limitation "said reel engaging unit" on line 2. There is insufficient antecedent basis for this limitation in the claim. Parent claim 5 recites "at least two reel engaging units".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3654

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin. Martin discloses a magnetic tape cartridge comprising a reel having a lower flange 210 in which a portion for engaging a rotary shaft 242 is centered and having an opposing upper flange 208. The cartridge has a housing comprising integral upper and lower cases. The upper case has a circular opening having a diameter greater than the diameter of the lower flange and smaller than the diameter of the upper flange. With regard to claims 8 and 11, note that the tape drawing-out port 218 of Martin is spaced from the corner of the cartridge.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin. Martin discloses all of the claimed subject matter (see Figs. 11 and 12) except for the circular cutout portion on the upper case, the annular stepped portion on the upper. Martin teaches (see Fig. 15) providing a circular cutout in the upper case of a cassette cartridge for receiving a stepped portion of an upper flange. It would have been obvious to one having ordinary skill in the art to provide the cartridge of Martin with a circular

Art Unit: 3654

cutout and stepped portion on the upper flange as taught by Martin to securely position and hold the reel against horizontal shifting in the cartridge.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied to claim 2 above, and further in view of Del Genio, et al. Martin discloses all of the claimed subject matter except for the movement preventing unit. Del Genio, et al teaches providing a tape cartridge with movement preventing means acting between a reel flange and a cartridge case to prevent unwanted loosening of the tape when the cartridge is not inserted in a tape drive device. It would have been obvious to one having ordinary skill in the art to have provided Martin with movement preventing means as taught by Del Genio, et al to prevent undesired loosening of the tape.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Egan (German patent document 2166321). Martin discloses all of the claimed subject matter with the exception of the reel engaging units. Egan teaches providing reel engaging units in the form of a housing for retaining and protecting a reel. It would have been obvious to one having ordinary skill in the art to provide Martin with a housing having reel engaging units as taught by Egan to retain and protect the reel of Martin when not in use in a recording or playback device.

9. Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Hall. Martin discloses all of the claimed invention except for the screw hole for assembling upper and lower cases and the central portion of the tape drawing-out port being located apart from the case corner by a distance equivalent to approximately one quarter of the edge length of the side of the cartridge.

Art Unit: 3654

Hall teaches forming a tape cartridge of upper and lower cases connected by screws located near corners of the cartridge. It would have been obvious to one having ordinary skill in the art to have formed the cartridge housing of Martin of upper and lower cases connected by screws located near the corner as taught by Hall to facilitate the forming of the housing, e.g., by molding. With regard to claims 10 and 13, it would have been further obvious to have located the tape draw-out port so that its central portion was approximately one quarter of the edge length of the side of the cartridge from the corner in order to make the cassette usable with a drive having a tape take-out mechanism positioned in a similar relationship to the cartridge.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Angenieux, Anderson, and Lowry, et al, and UK Patent Application 2099399 are cited to show record medium cartridges. Duda, et al is cited to show reel structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday and every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and After Final communications.

Art Unit: 3654

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SJH
November 1, 2002

A handwritten signature in cursive script that reads "Kathy Matecki".

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600